

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL SALLIE and MELINDA
PERKINS,**

Plaintiffs,

vs.

BRYAN LYNK, individually and in his
official capacity as a Police Officer of
Midland Borough; **BRUCE TOOCH**,
individually and in his official capacity as a
Police Officer of Midland Borough;
RONALD LUTTON, individually and in
his official capacity as a Police Officer of
Midland Borough; **GEORGE**
HRUBOVCAK, individually and in his
official capacity as a Police Officer of
Midland Borough; and **MIDLAND**
BOROUGH,

Defendants.

2:10cv456

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 16th day of November, 2012, upon due consideration of plaintiffs' motion in limine to exclude evidence of the statements or conduct about other persons in proximity to the scene and the parties' submissions in conjunction therewith, IT IS ORDERED that [86] the motion be, and the same hereby is, denied. First, the main grounds advanced in support of the motion sufficiently were considered and resolved in the court's summary judgment opinion. Second, to the extent the individual officers can lay a proper foundation to support the general assessments and beliefs they espoused in their deposition testimony, such evidence can be introduced by defendants to support their claimed state of mind and motivations underlying their

actions. Plaintiffs of course will be free to subject any ultimately admitted testimony to rigorous cross examination.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Patrick Sorek, Esquire
Douglas C. Hart, Esquire
Charles H. Saul, Esquire
Kyle T. McGee, Esquire

(Via CM/ECF Electronic Mail)